

United States District Court  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN JOSE

UNITED STATES OF AMERICA,

v.

CR 18 465

UNITED MICROELECTRONICS  
CORPORATION, et al.,

DEFENDANT(S).

**INDICTMENT**

**VIOLATIONS:**

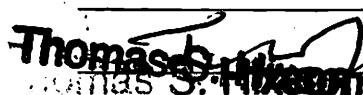
Title 18, United States Code, Section 1831(a)(5) – Conspiracy to Commit Economic Espionage;  
Title 18, United States Code, Section 1832(a)(5) – Conspiracy to Commit Theft of Trade Secrets;  
Title 18, United States Code, Section 1831(a)(1) – Economic Espionage (Theft of Trade Secrets);  
Title 18, United States Code, Section 1831(a)(2) – Economic Espionage (Copying and Conveying of Stolen Trade  
Secrets); Title 18, United States Code, Section 1831(a)(3) and (2) – Economic Espionage (Receipt and Possession  
of Stolen Trade Secrets); Title 18 United States Code, Section 1832(a)(1) – Theft of Trade Secrets;  
Title 18, United States Code, Section 2323 – Criminal Forfeiture

A true bill

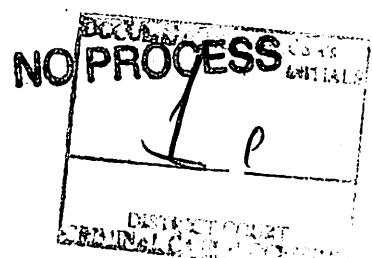
  
\_\_\_\_\_  
Foreman

Filed in open court this 27th day of

Sept, 2018 ROSE MAHER  
  
\_\_\_\_\_  
Clerk

  
\_\_\_\_\_  
JAMES S. HARRISON

Bail, \$ \_\_\_\_\_



AC 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

See Attached

- Petty  
 Minor  
 Misdemeanor  
 Felony

PENALTY:

See Attached

Name of District Court, and/or Judge/Magistrate Local

NORTHERN DISTRICT OF CALIFORNIA

CLERK SUSAN SOONG

SAN JOSE DISTRICT OF CALIFORNIA

**DEFENDANT - U.S.**

United Microelectronics Corporation, Inc.

**DISTRICT COURT NUMBER**

CR 18 465

**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1)  If not detained give date any prior summons was served on above charges2)  Is a Fugitive3)  Is on Bail or Release from (show District)**IS IN CUSTODY**4)  On this charge5)  On another conviction}       Federal  State6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer  Yes  
been filed?  No} If "Yes"  
give date  
filedDATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

 This report amends AO 257 previously submittedName and Office of Person  
Furnishing Information on this form ALEX G. TSE U.S. Attorney  Other U.S. AgencyName of Assistant U.S.  
Attorney (if assigned) John Hemann and Shiao Lee**PROCESS:** SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

 Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

United Microelectronics Corporation, Inc.

Date/Time: November 19, 2018

Before Judge: Duty Magistrate

Comments:

1:30pm

A1

**PENALTY SHEET ATTACHMENT (UNITED MICROELECTRONICS  
CORPORATION, INC.)**

**Offenses Charged**

Count One: 18 U.S.C. § 1831(a)(5) – Conspiracy to Commit Economic Espionage

Count Two: 18 U.S.C. § 1832(a)(5) – Conspiracy to Commit Theft of Trade Secrets

Count Seven: 18 U.S.C. §§ 1831(a)(3) and 2 – Economic Espionage (Receiving and Possessing Stolen Trade Secrets)

**Maximum Penalties**

Counts One and Seven:

- A fine not more than the greater of \$10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided;
- Restitution;
- Asset Forfeiture; and
- \$400 special assessment

Count Two:

- A fine not more than the greater of \$5,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided;
- Restitution;
- Asset Forfeiture; and
- \$400 special assessment

A1

AO 257 (Rev. 6/78)

FILED  
SEP 27 2018

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT SUPERSEDING

## OFFENSE CHARGED

See Attached

- Petty  
 Minor  
 Misdemeanor  
 Felony

PENALTY:

Se 6 A

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

Federal Bureau of Investigation

 person is awaiting trial in another Federal or State Court,  
give name of court this person/proceeding is transferred from another district  
per (circle one) FRCrp 20, 21, or 40. Show District this is a reprocution of  
charges previously dismissed  
 which were dismissed on motion  
of: U.S. ATTORNEY  DEFENSESHOW  
DOCKET NO. this prosecution relates to a  
pending case involving this same  
defendantMAGISTRATE  
CASE NO. prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
defendant were recorded underName and Office of Person  
Furnishing Information on this form ALEX G. TSE U.S. Attorney  Other U.S. AgencyName of Assistant U.S.  
Attorney (if assigned) John Hemann and Shiao Lee

## PROCESS:

 SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

 Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Fujian Jinhua Integrated Circuit, Co., Ltd.

Comments:

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE

## DEFENDANT - U.S.

Fujian Jinhua Integrated Circuit, Co., Ltd.

## DISTRICT COURT NUMBER

CR 18 465-HK

## DEFENDANT

## IS NOT IN CUSTODY

Has not been arrested, pending outcome trial or sentencing.

1)  If not detained give date any prior  
summons was served on above charges2)  Is a Fugitive3)  Is on Bail or Release from (show District)

## IS IN CUSTODY

4)  On this charge5)  On another conviction}  Federal  State6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer  Yes  
been filed?  No} If "Yes"  
give date  
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ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

 This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

 SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

 Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: November 19, 2018

Before Judge: Duty Magistrate

C 1:30pm

SKR  
AD

**PENALTY SHEET ATTACHMENT (FUJIAN JINHUA INTEGRATED CIRCUIT, CO., LTD.)**

**Offenses Charged**

Count One: 18 U.S.C. § 1831(a)(5) – Conspiracy to Commit Economic Espionage

Count Two: 18 U.S.C. § 1832(a)(5) – Conspiracy to Commit Theft of Trade Secrets

Count Seven: 18 U.S.C. §§ 1831(a)(3) and 2 – Economic Espionage (Receiving and Possessing Stolen Trade Secrets)

**Maximum Penalties**

Counts One and Seven:

- A fine not more than the greater of \$10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided;
- Restitution;
- Asset Forfeiture; and
- \$400 special assessment

Count Two:

- A fine not more than the greater of \$5,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided;
- Restitution;
- Asset Forfeiture; and
- \$400 special assessment

12

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

See Attached

- Petty  
 Minor  
 Misdemeanor  
 Felony

PENALTY:

See Attached

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court,  
give name of court \_\_\_\_\_

this person/proceeding is transferred from another district  
per (circle one) FRCrP 20, 21, or 40. Show District \_\_\_\_\_

this is a reprocution of  
 charges previously dismissed  
 which were dismissed on motion  
of:

U.S. ATTORNEY  DEFENSE

SHOW DOCKET NO. \_\_\_\_\_

this prosecution relates to a  
 pending case involving this same  
defendant

MAGISTRATE CASE NO. \_\_\_\_\_

prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
defendant were recorded under

Name and Office of Person  
Furnishing Information on this form ALEX G. TSE

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S.  
Attorney (if assigned) John Hemann and Shiao Lee

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

If Summons, complete following:

Arraignment  Initial Appearance

Defendant Address:

CHEN ZHENGKUN a.k.a. STEPHEN CHEN

Bail Amount: \_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: November 19, 2018 Before Judge: Duty Magistrate

Comments:

Name of District Court, and/or Judge/Magistrate Location \_\_\_\_\_

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**DEFENDANT - U.S.**

CHEN ZHENGKUN a.k.a. STEPHEN CHEN

**DISTRICT COURT NUMBER**

**CR 18 465**

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Has not been arrested, pending outcome of this proceeding.  
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}  Federal  State

6)  Awaiting trial on other charges

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Has detainer  Yes  
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filed \_\_\_\_\_

DATE OF ARREST  Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY  Month/Day/Year

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PENALTY SHEET ATTACHMENT (CHEN ZHENGKUN, a.k.a. STEPHEN CHEN)**

**Offenses Charged**

Count One: 18 U.S.C. § 1831(a)(5) – Conspiracy to Commit Economic Espionage

Count Two: 18 U.S.C. § 1832(a)(5) – Conspiracy to Commit Theft of Trade Secrets

Count Seven: 18 U.S.C. §§ 1831(a)(3) and 2 – Economic Espionage (Receiving and Possessing Stolen Trade Secrets)

**Maximum Penalties**

Counts One and Seven:

- \$5,000,000 fine or twice the gross gain or loss
- 15 years imprisonment
- 3 years supervised release
- \$100 special assessment
- Restitution
- Forfeiture

Count Two:

- \$250,000 fine or twice the gross gain or loss
- 10 years imprisonment
- 3 years supervised release
- \$100 special assessment
- Restitution
- Forfeiture

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

See Attached

- Petty  
 Minor  
 Misdemeanor  
 Felony

**PENALTY:**

See Attached

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE, CALIFORNIA

NO CLEARED BY SOONG  
SAN JOSE DISTRICT COURT  
SAN JOSE, CALIFORNIA**DEFENDANT - U.S.**

CHEN ZHENGKUN a.k.a. STEPHEN CHEN

**DISTRICT COURT NUMBER**

CR 18 465

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ARREST

Month/Day/Year

Or... If Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

 This report amends AO 257 previously submittedName and Office of Person  
Furnishing Information on this form

ALEX G. TSE

 U.S. Attorney  Other U.S. AgencyName of Assistant U.S.  
Attorney (if assigned)

John Hemann and Shiao Lee

**PROCESS:** SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

 Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

CHEN ZHENGKUN a.k.a. STEPHEN CHEN

Date/Time: November 19, 2018

Before Judge: Duty Magistrate

Comments:

e 1:30 pm

SK  
A3

**PENALTY SHEET ATTACHMENT (CHEN ZHENGKUN, a.k.a. STEPHEN CHEN)**

**Offenses Charged**

Count One: 18 U.S.C. § 1831(a)(5) – Conspiracy to Commit Economic Espionage

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Count Two:

- \$250,000 fine or twice the gross gain or loss
- 10 years imprisonment
- 3 years supervised release
- \$100 special assessment
- Restitution
- Forfeiture

13

AO 257 (Rev. 6/78)

FILED  
AUG 2 2018  
CLERK SUSAN Y SOONG  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT SUPERSEDING

## OFFENSE CHARGED

See Attached

- Petty  
 Minor  
 Misdemeanor  
 Felony

PENALTY:

See Attached

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

Federal Bureau of Investigation

 person is awaiting trial in another Federal or State Court,  
give name of court this person/proceeding is transferred from another district  
per (circle one) FRCrp 20, 21, or 40. Show District this is a reprocution of  
charges previously dismissed  
which were dismissed on motion  
of: U.S. ATTORNEY  DEFENSESHOW  
DOCKET NO. this prosecution relates to a  
pending case involving this same  
defendantMAGISTRATE  
CASE NO. prior proceedings or appearance(s)  
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defendant were recorded underName and Office of Person  
Furnishing Information on this form ALEX G. TSE U.S. Attorney  Other U.S. AgencyName of Assistant U.S.  
Attorney (if assigned) John Hermann and Shiao Lee

## PROCESS:

 SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

 Arraignment  Initial Appearance\* Where defendant previously apprehended on complaint, no new summons or  
warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

HE JIANTING a.k.a. J.T. HO

Date/Time: November 19, 2018

Before Judge: Duty Magistrate

Comments:

1:30 pm

SK  
DHName of District Court, and/or Judge or Magistrate  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

## DEFENDANT - U.S.

HE JIANTING a.k.a. J.T. HO

DISTRICT COURT NUMBER  
CR 18 465

## DEFENDANT

## IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1)  If not detained give date any prior  
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## IS IN CUSTODY

4)  On this charge5)  On another conviction}  Federal  State6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer  Yes  
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ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

 This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

**PENALTY SHEET ATTACHMENT (HE JIANTING a.k.a. J.T. HO)**

**Offenses Charged**

Count One: 18 U.S.C. § 1831(a)(5) – Conspiracy to Commit Economic Espionage

Count Two: 18 U.S.C. § 1832(a)(5) – Conspiracy to Commit Theft of Trade Secrets

Count Five: 18 U.S.C. § 1831(a)(2) – Economic Espionage (Copying and Conveying Trade Secrets)

Count Six: 18 U.S.C. § 1832(a)(1) – Theft of Trade Secrets

Count Seven: 18 U.S.C. §§ 1831(a)(3) and 2 – Economic Espionage (Receiving and Possessing Stolen Trade Secrets)

**Maximum Penalties**

Counts One, Five, and Seven:

- \$5,000,000 fine or twice the gross gain or loss
- 15 years imprisonment
- 3 years supervised release
- \$100 special assessment
- Restitution
- Forfeiture

Counts Two and Six:

- \$250,000 fine or twice the gross gain or loss
- 10 years imprisonment
- 3 years supervised release
- \$100 special assessment
- Restitution
- Forfeiture



**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

See Attached

- Petty  
 Minor  
 Misdemeanor  
 Felony

PENALTY:

See Attached

UNREDACTED

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court,  
 give name of court

---

this person/proceeding is transferred from another district  
 per (circle one) FRCrp 20, 21, or 40. Show District

---

this is a reprocsecution of  
 charges previously dismissed  
 which were dismissed on motion  
of:

U.S. ATTORNEY  DEFENSE

SHOW DOCKET NO.

this prosecution relates to a  
 pending case involving this same  
defendant

prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
defendant were recorded under

MAGISTRATE CASE NO.

Name and Office of Person  
Furnishing Information on this form ALEX G. TSE

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S.  
Attorney (if assigned)

John Hemann and Shiao Lee

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**DEFENDANT - U.S.**

→ WANG YUNGMING a.k.a. KENNY WANG

**DISTRICT COURT NUMBER**

**CR 18 465**

UNREDACTED

**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1)  If not detained give date any prior  
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2)  Is a Fugitive3)  Is on Bail or Release from (show District)**IS IN CUSTODY**4)  On this charge5)  On another conviction

}  Federal  State

6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer  Yes  
been filed?  No

} If "Yes"  
give date  
filed

DATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

WANG YUNGMING a.k.a. KENNY WANGDate/Time: November 19, 2018 Before Judge: Duty Magistrate

Comments:

**PENALTY SHEET ATTACHMENT (WANG YUNGMING a.k.a. KENNY WANG)**

**Offenses Charged**

Count One: 18 U.S.C. § 1831(a)(5) – Conspiracy to Commit Economic Espionage

Count Two: 18 U.S.C. § 1832(a)(5) – Conspiracy to Commit Theft of Trade Secrets

Count Three: 18 U.S.C. § 1831(a)(1) – Economic Espionage (Theft of Trade Secrets)

Count Four: 18 U.S.C. § 1831(a)(2) – Economic Espionage (Copying and Conveying Trade Secrets)

Count Seven: 18 U.S.C. §§ 1831(a)(3) and 2 – Economic Espionage (Receiving and Possessing Stolen Trade Secrets)

**Maximum Penalties**

Counts One, Three, Four, and Seven:

- \$5,000,000 fine or twice the gross gain or loss
- 15 years imprisonment
- 3 years supervised release
- \$100 special assessment
- Restitution
- Forfeiture

Count Two:

- \$250,000 fine or twice the gross gain or loss
- 10 years imprisonment
- 3 years supervised release
- \$100 special assessment
- Restitution
- Forfeiture

1 ALEX G. TSE (CABN 152348)  
2 United States Attorney  
3

UNPUBLISHED

FILED

5 SEP 27 2018 *[Signature]*

6 SUSAN Y. SOONG  
7 CLERK, U.S. DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9

MMC  
SVK  
~~465 LHK~~

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 UNITED MICROELECTRONICS  
15 CORPORATION; FUJIAN JINHUA  
16 INTEGRATED CIRCUIT, CO., LTD.; CHEN  
17 ZHENGKUN, a.k.a. STEPHEN CHEN; HE  
JIANTING, a.k.a. J.T. HO; and WANG  
YUNGMING, a.k.a. KENNY WANG.

18 Defendants.

CR 18 No. 465

) VIOLATIONS:  
) Title 18, United States Code, Section 1831(a)(5) –  
) Conspiracy to Commit Economic Espionage;  
) Title 18, United States Code, Section 1832(a)(5) –  
) Conspiracy to Commit Theft of Trade Secrets;  
) Title 18, United States Code, Section 1831(a)(1) –  
) Economic Espionage (Theft of Trade Secrets);  
) Title 18, United States Code, Section 1831(a)(2) –  
) Economic Espionage (Copying and Conveying of  
Stolen Trade Secrets);  
) Title 18, United States Code, Section 1831(a)(3) and  
(2) – Economic Espionage (Receipt and Possession of  
Stolen Trade Secrets);  
) Title 18 United States Code, Section 1832(a)(1) –  
Theft of Trade Secrets;  
) Title 18, United States Code, Section 2323 –  
Criminal Forfeiture  
) SAN JOSE VENUE

23 INDICTMENT

24 The Grand Jury charges:

25 INTRODUCTORY ALLEGATIONS

26 1. Dynamic random-access memory (DRAM) is a memory device product used in  
27 electronics to store information. DRAM stores each bit of data in a separate tiny capacitor within an  
28 integrated circuit. DRAM is a technologically advanced commodity; it is widely used in digital

1 electronics where low-cost and high-capacity memory is required. DRAM is used in leading-edge  
 2 computing, consumer, networking, automotive, industrial, embedded, and mobile productions, and is a  
 3 product that is used or intended for use in interstate or foreign commerce.

4       2. Growth of the electronics industry in the People's Republic of China (PRC) created  
 5 significant demand for memory products such as DRAM. The Central Government and State Council of  
 6 the PRC publicly identified the development of DRAM technology as a national economic priority  
 7 because PRC companies had not been able to develop technologically advanced DRAM production  
 8 capabilities, and PRC electronics manufacturers relied on producers outside the PRC to supply DRAM.  
 9 DRAM production technology was closely held by manufacturers in the United States, South Korea, and  
 10 Taiwan, including Micron Technology, Inc. ("Micron"), which had improved the technology through  
 11 intensive research and development over many years.

12       3. Aware of the PRC's national priority and the barriers placed by non-PRC manufacturers,  
 13 including Micron, on access to the technology, at the times set forth below, individuals and companies  
 14 named in this Indictment obtained DRAM trade secrets belonging to Micron and conveyed information  
 15 containing those trade secrets to a company controlled by the PRC government without authorization  
 16 from Micron.

#### Defendants

17       4. Defendant United Microelectronics Corporation ("UMC") was a semiconductor foundry  
 18 company headquartered in Taiwan with global offices in Taiwan, China, Europe, Singapore, Japan,  
 19 Korea, and the United States, including in Sunnyvale, California. UMC was publicly listed and traded  
 20 on the NASDAQ. UMC's primary business was to mass produce integrated-circuit logic products based  
 21 on designs and technology developed and provided by its customers. UMC did not, prior to the events  
 22 charged in this Indictment, possess advanced DRAM-related technology.

23       5. Defendant Fujian Jinhua Integrated Circuit, Co., Ltd. ("Jinhua") was established in  
 24 February 2016 in the Fujian Province of China for the sole purpose of designing, developing, and  
 25 manufacturing DRAM. Jinhua was created with US\$5.65 billion in funding provided by the PRC  
 26 government and PRC government entities. Its two major shareholders were Electronics & Information  
 27 Group Co., Ltd. and Jinjiang Energy Investment Co., Ltd., which were PRC state-owned enterprises.  
 28

1 Jinhua's self-described aim was "to introduce intellects, technology, and resources from Taiwan and the  
 2 world, create the first self-dependent DRAM production project and 12 inch DRAM wafer line in China  
 3 and fill the blank." Jinhua described itself as having the "duty to realize the domestic manufacturing of  
 4 [integrated circuit] chip and aims to become a state owned [integrated circuit] manufacturing enterprise  
 5 with advanced process and [an] independent intellectual property system."

6       6. In or around January 2016, UMC entered into a technology cooperation agreement with  
 7 Jinhua to develop DRAM technology for a product that UMC referred to as the "32nm and 32Snmm  
 8 DRAM" or "F32nm/F32Snmm DRAM." Under the technology cooperation agreement, UMC would  
 9 provide the DRAM research and development, and Jinhua would provide the manufacturing and  
 10 fabrication facilities to mass-produce DRAM. UMC and Jinhua were to jointly own the DRAM  
 11 technology and development. Under the terms of the agreement, Jinhua would provide US\$300 million  
 12 for purchasing necessary equipment for DRAM development and would pay US\$400 million to UMC  
 13 based on the progress of DRAM development. In or around April 2016, Taiwan's Ministry of  
 14 Economics approved the UMC and Jinhua technology cooperation agreement.

15       7. Defendant Chen Zhengkun (a.k.a. Stephen Chen) was a Taiwanese national and former  
 16 General Manager and Chairman of Rexchip Electronics Corporation ("Rexchip"), a company that  
 17 Micron acquired in or around 2013, which formed Micron Memory Taiwan Co., Ltd. ("MMT"),  
 18 Micron's Taiwan subsidiary. Chen became the President of MMT and Site Director of MMT's  
 19 Fabrication Facility 16, responsible for making Micron's 25nm DRAM chip. Chen resigned from MMT  
 20 in July 2015 and began working for UMC as the Senior Vice President and Fabrication Director in  
 21 Taiwan in September 2015. In or around January 2016, Chen helped negotiate the terms of the  
 22 UMC/Jinhua technology cooperation agreement and became the Senior Vice President of UMC's newly  
 23 formed New Business Development ("NBD") division, tasked with overseeing UMC's F32nm DRAM  
 24 development project and the technology cooperation agreement between UMC and Jinhua. In or around  
 25 February 2017, UMC released Chen from his position at UMC, and Chen became the President of  
 26 Jinhua in charge of its DRAM production facility.

27       8. Defendant He Jianting (a.k.a. J.T. Ho) was a Taiwanese national and former process  
 28 integration manager at MMT, whom Chen recruited to join UMC. Ho resigned from MMT in or around

1 October 2015 and began working at UMC in its process integration division in November 2015. Prior to  
 2 leaving MMT, Ho stole Micron confidential and proprietary materials and used the stolen materials in  
 3 his work at UMC to advance the development of UMC's F32 DRAM technology design for transfer to  
 4 Jinhua. In April 2016, Ho became a project integration manager in UMC NBD's Project Management 2  
 5 Department. Between about December 2015 and January 2017, Ho communicated with another former  
 6 MMT employee, Wang Yungming (a.k.a. Kenny Wang), using the LINE Messaging platform and  
 7 personal emails, to share and exchange confidential and proprietary Micron information to further  
 8 UMC's F32nm DRAM technology design.

9       9. Defendant Kenny Wang was a Taiwanese national and former MMT employee, whom  
 10 Chen hired to join UMC. At MMT, Wang was a Process Integration/Device Section Manager and  
 11 remained in that role until his promotion to Product Quality Integration Section Manager in January  
 12 2016 and resignation from MMT in April 2016. While at MMT, Wang shared and exchanged  
 13 confidential and proprietary Micron information with Ho, who at the time was working at UMC. Prior  
 14 to his official exit from MMT, Wang misappropriated over 900 Micron files, some containing Micron  
 15 confidential and proprietary information for the design of the company's DRAM technology in its  
 16 current and future generations that were still in its research and development phase. Wang downloaded  
 17 trade secrets from Micron's company servers in the United States, took them with him when he left the  
 18 company, and stored the files on his Google Drive account located on servers in the United States. After  
 19 Wang left MMT in April 2016 and began working at UMC immediately thereafter, he used the  
 20 misappropriated confidential and proprietary Micron materials to further UMC's design of the F32nm  
 21 DRAM design process.

#### Micron Trade Secrets and Confidentiality Provisions

22       10. Micron is the only United States-based company that manufactures DRAM. Micron's  
 23 headquarters were in Boise, Idaho, and it maintained a large office in the Northern District of California.  
 24 The company became a major participant in the global semiconductor industry with its purchase of  
 25 Texas Instruments' DRAM memory business in 1998 and thereafter specialized in the advanced  
 26 research and development and manufacturing of memory products including, but not limited to, DRAM.  
 27 Micron provides approximately 20-25% of the world supply of DRAM. The trade secrets identified  
 28

1 below consisted of detailed, confidential information used to design and construct efficient  
 2 manufacturing processes for advanced DRAM technology. The development of this information and its  
 3 confidentiality provides Micron with a significant competitive advantage in the world market. This  
 4 competitive advantage allows Micron to remain in business and continue to research and develop  
 5 advanced DRAM for commercial and other uses.

6       11. MMT was a subsidiary of Micron. MMT was one of Micron's fabrication plants in  
 7 Taiwan that engaged in making DRAM. MMT assigned all intellectual property, including all trade  
 8 secrets that it developed, to Micron.

9       12. Micron's DRAM technology included, but was not limited to, the following trade secrets,  
 10 as defined in 18 U.S.C. § 1839(3):

11           a.     **Trade Secret 1:** The Micron process to manufacture and produce DRAM  
 12 contained in the totality of information stolen by Wang and Ho from Micron and provided to UMC and  
 13 Jinhua under the direction of Chen and others. Trade Secret 1 included ways and means in which  
 14 proprietary and non-proprietary components were compiled and combined by Micron to form substantial  
 15 portions of the DRAM design and manufacturing process, including Trade Secrets 2 through 8, below.

16           b.     **Trade Secret 2:** A 233-page PDF document identified with digital filename  
 17 "FAB16 90s Traveler-20150518" (hereafter "25nm Process Traveler document"). The 25nm Process  
 18 Traveler document contained comprehensive and very detailed information documenting the beginning-  
 19 to-end manufacturing process for Micron's 25nm DRAM product, including details of specifications and  
 20 production processes.

21           c.     **Trade Secret 3:** An Excel spreadsheet with multiple tabs identified with digital  
 22 filename "(ALL) IMP conditions Table \_20150318" (hereinafter "Implant Conditions Table"). The  
 23 Implant Conditions Table contained implant data required to make each of the various different  
 24 transistor types required to make a 25nm DRAM product. Data in the Implant Conditions Table  
 25 included very specific details of the relevant particular process code - which could be matched back to  
 26 process descriptions in Trade Secret 2.

27           d.     **Trade Secret 4:** An Excel spreadsheet with multiple tabs identified with digital  
 28 filename "Implant Condition for MES setting\_1015" (hereafter "Implant Conditions for MES

1 document"). MES referred to a particular software used to track the 25nm DRAM product through the  
2 fabrication process, and the Implant Conditions for MES document was a tracking document that  
3 informed the software. The document inputted into the MES software enabled Micron to closely  
4 monitor and manage its 25nm DRAM fabrication process. The Implant Conditions for MES document  
5 provided critical details to manage the fabrication of the 25nm DRAM product through the fabrication  
6 process and provided information on the precision and outcome of each particular step.

7           e.     **Trade Secret 5:** An Excel spreadsheet with multiple tabs identified with digital  
8 filename “[DR25nmS] Design rules Periphery\_EES\_2012000026-013\_Rev.13” (hereafter “Design  
9 Rules document”). The Design Rules document contained detailed design specifications for the  
10 architecture of the 25nm DRAM product, including details on how to layer Micron’s 25nm DRAM  
11 product. The Design Rules document included precise information on how to build distances between  
12 elements in a DRAM product to avoid electrical and physical interference. The Design Rules document  
13 included Micron trade secrets related to these types of specifications, which were critical information  
14 needed to build a 25nm DRAM product.

15           f.     **Trade Secret 6:** A 302-page PDF document identified with digital filename  
16 “DRAM\_100\_series\_(20nm)\_traveler\_(v00h) 150730” (hereafter “20nm Process Traveler document”).  
17 The 20nm Process Traveler document contained the specific types of details summarized in the 25nm  
18 Process Traveler document but for the next generation 20nm DRAM product. The 20nm Process  
19 Traveler document also contained details regarding Micron’s upgrade from the 25nm to the 20nm  
20 DRAM product and contained trade secret information pertinent to both generations of the product.

21           g.     **Trade Secret 7:** A 360 page PDF identified with digital filename  
22 “dram\_110\_series\_(1xnm)\_traveler\_(z11a)-20150915.pdf” (hereafter “1xnm Process Traveler  
23 document”). The 1xnm Process Traveler document contained the comprehensive and very detailed  
24 information documenting the beginning-to-end manufacturing process for Micron’s 1xnm DRAM  
25 product, including details of specifications and production processes. The 1xnm DRAM product was  
26 Micron’s most advanced DRAM at the time. The 1xnm Process Traveler document also contained  
27 details regarding Micron’s upgrade from the 20nm DRAM product to the 1xnm DRAM product and  
28 contained trade secret information pertinent to both generations of the product.

1                   h.     **Trade Secret 8:** A 260 page PDF identified with digital filename  
2 "dram\_1xnm\_process\_(Z11AA41200)\_-\_summary\_flow\_document" (hereafter "1xm Process Summary  
3 Flow document"). The 1xnm Process Summary Flow document contained the manufacturing process of  
4 the 1xn DRAM chip as it flowed through the manufacturing facility. It compared the 1xnm process flow  
5 with prior generations of DRAM products. It described the evolution of the DRAM product to the 1xnm  
6 generation, explaining the purpose and reasons why certain changes and upgrades were made from one  
7 generation to the next.

8                   13.    Micron took reasonable measures to keep Trade Secrets 1 through 8 secret, including  
9 physical, electronic, legal, and policy measures.

10                  14.    The information contained in Trade Secrets 1 through 8 derived independent economic  
11 value, actual and potential, from not being generally known to, and not being readily ascertainable  
12 through proper means by, another person who could obtain economic value from the disclosure or use of  
13 the information.

14                  15.    The value of Trade Secrets 1 through 8, and each of them, to UMC and Jinhua, was at  
15 least \$400 million and up to \$8.75 billion, including expenses for research and design and other costs of  
16 reproducing the trade secrets that UMC and Jinhua avoided by the actions alleged in Counts 1, 2, and  
17 7.

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**COUNT ONE:** (18 U.S.C. § 1831(a)(5) – Conspiracy to Commit Economic Espionage)

16. The allegations contained in Paragraphs 1 through 15 are re-alleged.

17. Beginning in or about January 2016, and continuing to the date of this Indictment, in the

Northern District of California and elsewhere, defendants,

UNITED MICROELECTRONICS CORPORATION,  
FUJIAN JINHUA INTEGRATED CIRCUIT, CO., LTD.,  
CHEN ZHENGKUN, a.k.a. STEPHEN CHEN,  
HE JIANTING, a.k.a. J.T. HO,  
WANG YUNGMING, and a.k.a. KENNY WANG,

together with others known and unknown to the Grand Jury, knowingly combined, conspired, and agreed to:

a. knowingly steal and without authorization appropriate, take, carry away, and

conceal, and by fraud, artifice, and deception obtain trade secrets belonging to Micron; and

b. knowingly and without authorization copy, duplicate, sketch, draw, photograph,

download, upload, alter, destroy, photocopy, replicate, transmit, deliver, send, mail, communicate, and convey trade secrets belonging to Micron; and

c. knowingly receive, buy, and possess trade secrets belonging to Micron, knowing  
they have been stolen, appropriated, obtained, and converted without authorization; intending and  
the offenses would benefit a foreign government, namely the PRC, and a foreign  
entity, namely Jinhua.

## Manner and Means of the Conspiracy

18. In order to develop DRAM technology and production capabilities without investing years of research and development and the expenditure of many millions of dollars, UMC and Jinhua, a company entirely funded by the PRC government, and employees of both, conspired to circumvent Micron's restrictions on its proprietary technology and illegally obtain DRAM technology that had been developed by Micron, including Trade Secrets 1 through 8.

19. In or around February 2016, the PRC formed and funded Jinhua for the purpose of developing, designing, and mass-producing advanced DRAM technology. The PRC prioritized the development of integrated circuit devices, which included DRAM, in its 13<sup>th</sup> Five-Year Plan, a national plan that included objectives for China's economic priorities for the years 2016-2020, ratified by the

1 National People's Congress, and which established the Chinese Communist Party's vision for the  
 2 country's future developments.

3       20. In or around January 2016, Jinhua and UMC negotiated and later entered into a  
 4 technology cooperation agreement whereby, with funding from Jinhua, UMC would develop DRAM  
 5 technology, transfer the technology to Jinhua, and Jinhua would mass produce DRAM.

6       21. In the years leading up to the technology cooperation agreement, UMC did not have  
 7 advanced DRAM technology and had not been producing DRAM. UMC, however, had intentions to  
 8 take over DRAM business in China.

9       22. In September 2015, UMC hired Chen, who was previously the President of MMT and the  
 10 site director of MMT's Fabrication Facility 16 in charge of producing Micron's 25nm DRAM product,  
 11 to be the Senior Vice President of UMC. In January 2016, UMC established the NBD division for  
 12 developing DRAM technology to transfer to Jinhua and placed Chen in charge of the NBD division.

13       23. From in or around October 2015 through April 2016, Chen recruited and hired several  
 14 MMT employees to work for UMC, including Ho and Wang, among others.

15       24. In or around November 2015, Chen hired Ho to work for UMC. Prior to leaving MMT,  
 16 Ho stole confidential and proprietary materials belonging to Micron, including trade secrets pertaining to  
 17 the prior, current, and future generations of Micron's DRAM technology, including the 80 (30nm), 90  
 18 (25nm), 100 (20nm), and 110 (1Xnm) series DRAM. Ho referenced the stolen Micron materials to  
 19 support UMC's design of the F32nm DRAM technology for transfer to Jinhua pursuant to the two  
 20 companies' technology transfer agreement. Ho stored the stolen Micron trade secrets, including Trade  
 21 Secrets 1, 6, 7, and 8 on one or more digital devices belonging to UMC.

22       25. Between in or around December 2015 and April 2016, Ho communicated with his former  
 23 colleague Wang, who was still working at MMT. Wang provided Ho with confidential and proprietary  
 24 Micron information to further UMC's F32nm DRAM technology design, including information related  
 25 to Micron's wafer specifications for its 25nm DRAM chip.

26       26. On April 26, 2016, Wang left MMT's employment. During Wang's exit interview from  
 27 MMT, Wang told MMT that he was leaving to work at his family business, and he signed the MMT  
 28 Declaration of Resignation, declaring and certifying that he did not keep any documents, confidential or

1 otherwise, belonging to the company, and that he destroyed any hard copy or electronic form in his  
2 possession or control that were stored on non-Micron property, including computers, phone, personal  
3 email, or file sharing accounts.

4       27. Wang did not leave to work for his family business but rather immediately began  
5 working for UMC.

6       28. In the weeks leading up to Wang's resignation from MMT, he downloaded over 900  
7 confidential and proprietary files belonging to Micron, including Trade Secrets 1-8, by downloading the  
8 files from Micron servers and transferring them to USB external storage devices or uploading the files to  
9 his personal Google Cloud account stored on servers in the United States. Many of the files were  
10 marked "Micron Confidential," "Micron Technology, Inc., Confidential and Proprietary," or "Micron  
11 Confidential/Do Not Duplicate." The created dates in the Google files metadata showed that Wang  
12 accessed Micron confidential and proprietary files both before and after he left Micron employment, and  
13 while working at UMC.

14       29. In the weeks leading up to Wang's resignation from MMT, Wang ran numerous deletion  
15 processes and a CCleaner program on his laptop computer to mask his theft of Micron trade secrets. He  
16 also conducted numerous internet searches, accessing a number of publicly available news articles about  
17 the PRC government's support of the growth of the DRAM business in the PRC, and specifically on  
18 UMC and Jinhua's cooperation toward creating and producing DRAM.

19       30. While working at UMC, Wang referenced Micron trade secrets to assist and further  
20 UMC's development of its F32nm DRAM technology. In or around July or August 2016, Wang, at the  
21 direction of a UMC employee, referenced Micron's Trade Secret 5 and provided critical design rule data  
22 to that employee to further UMC's development of its F32nm DRAM technology, knowing that UMC  
23 would transfer the technology to Jinhua. Wang used his UMC-assigned laptop to access his Google  
24 Drive, download a copy of Trade Secret 5, and reference the data contained therein to assist UMC with  
25 its F32nm DRAM design rule. UMC employees were directed to use the information Wang provided to  
26 complete UMC's F32nm DRAM design rule. Trade Secret 5 and UMC's F32nm DRAM design rule  
27 were stored in Wang's Google Drive, and a comparison of the two show Micron's information being  
28 used in UMC's F32nm DRAM design rule document.

1       31.     On October 23, 2016, Chen, UMC, Jinhua, and government officials from the PRC  
2 attended a Jinhua/UMC recruiting fair in the Northern District of California to recruit employees from  
3 the United States with semi-conductor experience to work for both companies in either the research and  
4 development or sales and marketing division. Chen stated at the recruiting fair that UMC had  
5 transferred its 25nm DRAM chip to Jinhua. On or about October 24, 2016, Chen and others from UMC  
6 and Jinhua, including the mayors from the PRC cities of Jinjiang and Quanzhou, also visited several  
7 semiconductor equipment-manufacturing companies in the Northern District of California to facilitate  
8 its DRAM production process. While at the recruiting fair and visiting the equipment-manufacturing  
9 companies in the Northern District of California, Chen, UMC, and Jinhua had obtained and were in  
10 continuous control of the stolen Micron trade secrets.

11       32.     From in or around September 2016 through March 2017, UMC and Jinhua filed five  
12 patents and a patent application concerning DRAM technology that contained information that was the  
13 same or very similar to technology described in Micron's Trade Secrets 2 and 6. Ho was listed as an  
14 inventor in each of the five patents and the patent application. The information contained in the patents  
15 and patent application contained Micron trade secrets that could not be obtained through reverse  
16 engineering.

17       33.     In February 2017, Taiwan law enforcement authorities executed search warrants and  
18 seized items from UMC's offices and Ho's and Wang's residences. They found electronic and hard  
19 copy files containing Micron trade secrets in areas and on devices associated with UMC and belonging  
20 to Ho and Wang. Knowing that Taiwan law enforcement was on its way to execute search warrants at  
21 UMC, a UMC employee directed both Ho and Wang to remove any electronic devices they possessed  
22 that contained Micron information on them. Some of the electronic devices that contained Micron  
23 information were turned over to Taiwan law enforcement. At least one electronic device that contained  
24 Micron information was not turned over to Taiwan law enforcement and had been concealed by UMC  
25 and Chen.

26       34.     In or around February 2017, in addition to his position at UMC, Chen assumed the post  
27 of President of Jinhua.

28

### Overt Acts

35. Between in or about October 2015 and April 2016, Chen recruited Micron employees Ho and Wang to work at UMC to develop F32nm DRAM technology.

36. In or around January 2016, UMC entered a technology cooperation agreement to develop and transfer F32nm DRAM technology to Jinhua, a state-owned enterprise of the People's Republic of China.

37. In or around October 2015, Ho stole Micron trade secrets, including Trade Secret 1 and files identified as Trade Secrets 6, 7, and 8, and brought them with him to UMC. In or around December 2015, Ho saved files identified as Trade Secrets 6, 7, and 8 onto his UMC laptop.

38. In or around December 2015, Ho obtained from Chen a UMC company laptop with USB capability in order to access confidential and proprietary Micron materials in support of the UMC F32nm DRAM project.

39. On or about February 28, 2016, Wang downloaded Trade Secret 5 from Micron servers. On or about May 4, 2016 and June 29, 2016, Wang uploaded Trade Secret 5 to his BRH5476 Google Cloud Account.

40. On or about April 23, 2016, Wang downloaded Trade Secrets 2, 3, and 4 from his Micron company laptop and uploaded Trade Secrets 2, 3, and 4 to his BRH5476 Google Cloud Account.

41. On or about April 23, 2016, Wang downloaded Trade Secret 6 from Micron servers. On or about April 23, 2016 and October 23, 2016, Wang uploaded Trade Secret 6 to his BRH5476 Google Cloud Account.

42. On or about May 22, 2016, Wang emailed Trade Secret 5 from his BRH5476 Gmail Account to his UMC email account.

43. In or around July or August 2016, Wang used stolen Micron trade secret material contained in Trade Secret 5 to assist UMC with its design of the F32nm DRAM product. Information from Trade Secret 5 was put into UMC's document titled: UMC 32nm DRAM Process Topological Layout Rule Version 0.1, Phase 3 (Revision History Approved Date August 1, 2016).

44. On or about October 10, 2016, Wang uploaded Trade Secrets 7 and 8 to his BRH5476 Google Cloud Account.

1       45. On or about October 18, 2016, UMC and Jinhua filed a patent application (with  
2 corresponding Patent No. 9,679,901 B1) in the United States Patent and Trademark Office, which  
3 claimed priority to a Chinese patent application filed on September 22, 2016. Ho was listed as a named  
4 inventor on the patent application. The disclosures and inventions described in the patent application  
5 were based on or derived from misappropriated proprietary Micron materials identified in Trade Secrets  
6 2 and 6. On June 13, 2017, the United States Patent and Trademark Office issued patent 9,679,901 B1  
7 to UMC and Jinhua.

8       46. On or about October 23, 2016, UMC, Jinhua, and Chen, after having obtained Micron  
9 trade secrets and being in continuous control over them, arranged and coordinated a UMC/Jinhua  
10 recruiting event in the Northern District of California to recruit employees from the United States with  
11 semi-conductor experience to work for UMC/Jinhua. PRC government officials attended the event to  
12 show support for the companies. Chen announced at the recruiting event that UMC had transferred the  
13 F32nm DRAM design technology to Jinhua.

14       47. On or about October 24, 2016, UMC, Jinhua, Chen, and government officials from the  
15 PRC visited Applied Materials, Lam Research, and KLA Tencor, semiconductor equipment-  
16 manufacturing companies in the Northern District of California, to facilitate and further its DRAM  
17 production process.

18       48. In February 2017, a UMC employee directed Ho and Wang to remove and hide electronic  
19 devices containing Micron information from Taiwan law enforcement who were going to search UMC's  
20 offices.

21       49. Sometime after February 2017, UMC and Chen concealed at least one electronic device  
22 containing misappropriated Micron materials from Taiwan law enforcement.

23           All in violation of Title 18, United States Code, Section 1831(a)(5).

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**COUNT TWO:** (18 U.S.C. § 1832(a)(5) – Conspiracy to Commit Theft of Trade Secrets)

50. The allegations contained in Paragraphs 1 through 15 are re-alleged and incorporated as if fully set forth herein.

51. Beginning in or about October 2015, and continuing to the date of this Indictment, in the Northern District of California and elsewhere, defendants,

UNITED MICROELECTRONICS CORPORATION,  
FUJIAN JINHUA INTEGRATED CIRCUIT, CO., LTD.,  
CHEN ZHENGKUN, a.k.a. STEPHEN CHEN,  
HE JIANTING, a.k.a. J.T. HO,  
WANG YUNGMING, and a.k.a. KENNY WANG,

together with others known and unknown to the Grand Jury, knowingly combined, conspired, and agreed to:

- a. knowingly steal and without authorization appropriate, take, carry away, and conceal, and by fraud, artifice, and deception obtain trade secrets belonging to Micron; and
  - b. knowingly and without authorization copy, duplicate, sketch, draw, photograph, download, upload, alter, destroy, photocopy, replicate, transmit, deliver, send, mail, communicate, and convey trade secrets belonging to Micron; and
  - c. knowingly receive, buy, and possess trade secrets belonging to Micron, knowing the same to have been stolen, appropriated, obtained, and converted without authorization; intending to convert a trade secret that is related to a product, namely DRAM, that is used in and intended for use in interstate and foreign commerce, to the economic benefit of someone other than Micron, and intending and knowing that the offense would injure Micron.

## Manner and Means of the Conspiracy

52. The objects of the conspiracy were carried out, in part, as alleged in Paragraphs 18 through 34 above.

### Overt Acts

53. In furtherance of the conspiracy and to effect its objects, defendants committed the overt acts alleged in paragraphs 34 through 49, among others, in the Northern District of California and elsewhere.

All in violation of Title 18, United States Code, Section 1832(a)(5).

**COUNT THREE:** (18 U.S.C. § 1831(a)(1) – Economic Espionage (Theft of Trade Secrets))

54. The allegations contained in Paragraphs 1 through 49 are re-alleged.

55. From in or about March 2016 to in or about October 2016, in the Northern District of California and elsewhere, defendant

WANG YUNGMING, a.k.a. KENNY WANG,

intending and knowing that he would benefit a foreign government, foreign instrumentality, and foreign agent, knowingly stole, and without authorization, appropriated, took, carried away, and concealed, and by fraud, artifice, and deception, obtained Trade Secrets 1 through 8, in violation of Title 18, United States Code, Section 1831(a)(1).

**COUNT FOUR:** (18 U.S.C. § 1831(a)(2) – Economic Espionage (Copying and Conveying of Trade Secrets))

56. The allegations contained in Paragraphs 1 through 49 are re-alleged.

57. From in or about March 2016 to in or about February 2017, in the Northern District of California and elsewhere, defendant

WANG YUNGMING, a.k.a. KENNY WANG,

intending and knowing that he would benefit a foreign government, foreign instrumentality, and foreign agent, knowingly and without authorization, copied, duplicated, downloaded, uploaded, replicated, transmitted, delivered, sent, communicated, and conveyed Trade Secrets 1 and 5, in violation of Title 18, United States Code, Section 1831(a)(2).

**COUNT FIVE:** (18 U.S.C. § 1831(a)(2) – Economic Espionage (Copying and Conveying of Trade Secrets))

58. The allegations contained in Paragraphs 1 through 49 are re-alleged.

59. From in or about February 2016 to in or about February 2017, in the Northern District of California and elsewhere, defendant

HE JIANTING, a.k.a. J.T. HO,

26 intending and knowing that he would benefit a foreign government, foreign instrumentality, and foreign  
27 agent, knowingly and without authorization, copied, duplicated, downloaded, uploaded, replicated,  
28 transmitted, delivered, sent, communicated, and conveyed Trade Secret 1, in violation of Title 18,

1 United States Code, Section 1831(a)(2).

3 COUNT SIX: (18 U.S.C. § 1832 (a)(1) – Theft of Trade Secrets)

4 60. The allegations contained in Paragraphs 1 through 49 are re-alleged.

5 61. In or about October 2015, in the Northern District of California and elsewhere, defendant  
6 HE JIANTING, a.k.a. J.T. HO,

7 intending to convert a trade secret to the economic benefit of someone other than Micron, and intending  
8 and knowing that the offense would injure Micron, knowingly stole and without authorization  
9 appropriated, took, carried away, concealed, and by fraud, artifice and deception obtained Trade Secrets  
10 1, 6, 7, and 8, related to a product and service used in and intended for use in interstate and foreign  
11 commerce, in violation of Title 18, United States Code, Section 1832(a)(1).

12 COUNT SEVEN: (18 U.S.C. §§ 1831(a)(3) and 2 – Economic Espionage (Receiving and Possessing  
13 Stolen Trade Secrets))

14 62. The allegations contained in Paragraphs 1 through 49 are re-alleged.

15 63. From in or about February 2016 to the present, in the Northern District of California and  
16 elsewhere, defendants,

17 UNITED MICROELECTRONICS CORPORATION,  
18 FUJIAN JINHUA INTEGRATED CIRCUIT, CO., LTD.,  
19 CHEN ZHENGKUN, a.k.a. STEPHEN CHEN,  
20 HE JIANTING, a.k.a. J.T. HO, and  
21 WANG YUNGMING, a.k.a. KENNY WANG,

22 intending and knowing that they would benefit a foreign government, foreign instrumentality, and  
23 foreign agent, knowingly received, bought, and possessed Trade Secrets 1 through 8, knowing them to  
24 have been stolen and appropriated, obtained, and converted without authorization, in violation of Title  
25 18, United States Code, Sections 1831(a)(3) and 2.

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**CRIMINAL FORFEITURE ALLEGATION:**

64. The allegations contained in Counts One through Seven of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 2323(b).

65. As a result of their conviction on one or more of the felony offenses set forth in Counts One through Seven of this Indictment, defendants,

UNITED MICROELECTRONICS CORPORATION,  
FUJIAN JINHUA INTEGRATED CIRCUIT, CO., LTD.,  
CHEN ZHENGKUN, a.k.a. STEPHEN CHEN,  
HE JIANTING, a.k.a. J.T. HO,  
WANG YUNGMING, and a.k.a. KENNY WANG,

shall forfeit the following property, real or personal, to the United States:

- (1) Any article, the making or trafficking of which, is prohibited under 18 U.S.C. Chapter 90;

(2) Any property used, or intended to be used, in any manner or part to commit or facilitate a violation of 18 U.S.C. Chapter 90; and

(3) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of a violation of 18 U.S.C. Chapter 90.

66. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been placed beyond the jurisdiction of the Court;
- c. has been transferred or sold to, or deposited with a third party;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

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1 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title  
2 21, United States Code, Section 853(p), all pursuant to Title 18, United States Code, Section 2323(b).

3  
4 DATED: Sept. 29, 2018

A TRUE BILL.

5  
6  
7 FOREPERSON  
San Francisco Grand Jury No. 17-3

8  
9 ALEX G. TSE  
United States Attorney

10  
11 Barbara Valliere  
12 BARBARA VALLIERE  
Chief, Criminal Division

13 Approved as to form:

14 JOHN H. HEMANN  
15 Deputy Chief, Criminal Division  
16 SHIAO LEE  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**FILED**

SEP 27 2018

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**CRIMINAL COVER SHEET**

**Instructions:** Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

**CASE NAME:**

USA v. JUNITED MICROELECTONICS CORPORATION, et al.

**CASE NUMBER:**

CR 18

465 SVK

**Is This Case Under Seal?**

No

~~LHK~~   
~~MME~~

**Total Number of Defendants:**

Five

**Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?**

No

**Venue (Per Crim. L.R. 18-1):**

San Jose

**Is this a potential high-cost case?**

No

**Is any defendant charged with a death-penalty-eligible crime?**

No

**Is this a RICO Act gang case?**

No

**Assigned AUSA  
(Lead Attorney):** Shiao C. Lee

**Date Submitted:** 9/27/2018

**Comments:**